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SENATE BILL 1150

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MANNY M ARAGON

AN ACT

RELATING TO CRIME VICTIMS REPARATION; AMENDING ELIGIBILITY
REQUIREMENTS FOR PERSONS WHO SEEK REPARATION AWARDS; AMENDING
SECTIONS OF THE CRIME VICTIMS REPARATION ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-22-3 NMSA 1978 (being Laws 1981,
Chapter 325, Section 3, as amended) is amended to read:

"31-22-3. DEFINITIONS. --As used in the Crime Victims
Reparation Act:

A. "child" means an unmarried person who is under
the age of majority and includes a stepchild and an adopted
child;

B. "collateral source" includes benefits for
economic loss otherwise reparable under the Crime Victims
Reparation Act which the victim or claimant has received or

1 which are readily available to him from:

2 (1) the offender;

3 (2) social security, medicare and medicaid;

4 (3) workers' compensation;

5 (4) any program of any employer for

6 continuation of wages in the event of the illness or injury of
7 an employee;

8 (5) proceeds of a contract of insurance payable
9 to the victim;

10 (6) a contract providing prepaid hospital and
11 other health care services or benefits for disability, except
12 for the benefits of any life insurance policy;

13 (7) applicable indigent funds; or

14 (8) cash donations;

15 C. "commission" means the crime victims reparation
16 commission;

17 D. "dependents" means those relatives of the
18 deceased or disabled victim who are more than fifty percent
19 dependent upon the victim's income at the time of his death or
20 disability and includes the child of a victim born after his
21 death or disability;

22 E. "family relationship group" means any person
23 related to another person within the fourth degree of
24 consanguinity or affinity;

25 F. "injury" means actual bodily harm or

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1 disfigurement and includes pregnancy and extreme mental
2 distress. For the purposes of this subsection, "extreme mental
3 distress" means a substantial personal disorder of emotional
4 processes, thought or cognition [~~which~~] that impairs judgment,
5 behavior or ability to cope with the ordinary demands of life;

6 G. "relative" means a person's spouse, parent,
7 grandparent, stepfather, stepmother, child, grandchild, minor
8 brother, minor sister, minor half-brother, minor half-sister or
9 spouse's parents; and

10 H. "victim" means:

11 (1) a person in New Mexico who is injured or
12 killed by any act or omission of any other person that is a
13 crime enumerated in Section 31-22-8 NMSA 1978; [~~or~~]

14 (2) a resident of New Mexico who is injured or
15 killed by such a crime occurring in a state other than New
16 Mexico if that state does not have an eligible crime victims
17 compensation program; or

18 (3) a resident of New Mexico who is injured or
19 killed by an act of international terrorism, as provided in 18
20 U. S. C. Section 2331."

21 Section 2. Section 31-22-8 NMSA 1978 (being Laws 1981,
22 Chapter 325, Section 8, as amended) is amended to read:

23 "31-22-8. CRIMES ENUMERATED. --

24 A. The crimes to which the Crime Victims Reparation
25 Act applies and for which reparation to victims may be made are

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1 the following enumerated offenses and all other offenses in
2 which any enumerated offense is necessarily included:

- 3 (1) arson resulting in bodily injury;
- 4 (2) aggravated arson;
- 5 (3) aggravated assault or aggravated battery;
- 6 (4) dangerous use of explosives;
- 7 (5) negligent use of a deadly weapon;
- 8 (6) murder;
- 9 (7) voluntary manslaughter;
- 10 (8) involuntary manslaughter;
- 11 (9) ~~[kidnaping]~~ kidnapping;
- 12 (10) criminal sexual penetration;
- 13 (11) criminal sexual contact of a minor;
- 14 (12) homicide by vehicle or great bodily injury

15 by vehicle, as ~~[defined]~~ provided in Section 66-8-101 NMSA 1978;

16 ~~[and]~~

- 17 (13) abandonment or abuse of a child;
- 18 (14) aggravated indecent exposure, as provided
19 in Section 30-9-14.3 NMSA 1978; and
20 (15) stalking, as provided in Section 30-3A-3
21 NMSA 1978, when the offender has at least one prior conviction
22 for stalking.

23 B. No award shall be made for any loss or damage to
24 property. "

25 Section 3. Section 31-22-14 NMSA 1978 (being Laws 1981,

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1 Chapter 325, Section 14, as amended) is amended to read:

2 "31-22-14. LIMITATIONS ON AWARD--COLLATERAL RECOVERY--
3 PRELIMINARY AWARD. --

4 A. No order for the payment of reparation shall be
5 made unless application has been made within [~~one year~~] two
6 years after the date of the injury or death and the injury or
7 death was the result of a crime enumerated in Section 31-22-8
8 NMSA 1978 [~~which~~] that had been reported to the police within
9 thirty days after its occurrence [~~unless the commission, in its~~
10 ~~sole discretion upon good cause shown, allows application to be~~
11 ~~made. The commission shall enact regulations specifying~~
12 ~~circumstances constituting good cause pursuant to this~~
13 ~~provision~~]. In no event shall reparation be given unless
14 application has been made within two years after the injury or
15 death, except for minors who are victims of criminal activity
16 under the provisions of Section 30-6-1 NMSA 1978, regarding
17 abandonment or abuse of a child, Section 30-9-11 NMSA 1978,
18 regarding criminal sexual penetration, or Section 30-9-13 NMSA
19 1978, regarding criminal sexual contact of a minor. The date of
20 incident for minors who are victims of these types of criminal
21 activity shall be the date the victim attains the age of
22 eighteen years or the date that the criminal activity is
23 reported to a law enforcement agency, whichever occurs first.

24 B. No award of reparation shall be in excess of
25 twenty thousand dollars (\$20,000) per victim.

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1 C. Except as provided by Subsection [~~D~~] E of this
2 section, the commission shall deduct from any reparation awarded
3 any payments received from a collateral source or from the
4 United States, the state or any of its political subdivisions
5 for injury or death subject to reparation under the Crime
6 Victims Reparation Act. [~~Where~~] If the claimant receives an
7 award of reparation from the commission and also receives
8 payment as set forth in the preceding sentence for which no
9 deduction was made, the claimant shall refund to the state the
10 lesser of the amount of reparation paid or the sums not so
11 deducted.

12 D. If the claimant receives an award of reparation
13 from the commission and also receives an award pursuant to a
14 civil judgment arising from a criminal occurrence for which a
15 reparation award was paid, the claimant shall refund to the
16 state the amount of the reparation paid to him. The commission
17 may negotiate a reasonable settlement regarding repayment of the
18 reparation award if special circumstances exist.

19 ~~[D-]~~ E. If it appears that a final award of
20 reparation will be made by the commission, a preliminary award
21 not to exceed three thousand five hundred dollars (\$3,500) may
22 be authorized by the director of the commission or the
23 commission's designee when the commission chairman concurs. The
24 amount of the preliminary award shall be deducted from any final
25 award made by the commission. "

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Section 4. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1997.

- 7 -

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

3
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6 March 10, 1997

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8 Mr. President:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 SENATE BILL 1150

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 FINANCE COMMITTEE.

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19 Respectfully submitted,

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25 Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Sanchez, Tsosie

Absent: None

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1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 March, 1997

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8 Mr. President:

9
10 Your FINANCE COMMITTEE, to whom has been referred

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12 SENATE BILL 1150

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
16

17
18 Respectfully submitted,

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23 Ben D. Altamirano, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Altamirano, Carraro, Ingle, Lyons

Absent: None

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 1150

**has had it under consideration and reports same with
recommendation that it DO PASS.**

Respectfully submitted,

Thomas P. Foy, Chairman

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Alwin, Luna, Rios, Sanchez

Absent: None

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